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Organizational and procedural matters

Note verbale dated 27 March 2018 from the Permanent Mission of the Russian Federation to the United Nations Office and Other International Organizations at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Russian Federation to the United Nations Office and Other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to request that the present note verbale and the annex thereto,* containing the statement of the delegation of the Russian Federation following the adoption of the resolutions of the thirty-seventh session of the Human Rights Council, be circulated as an official document of that session of the Council.

* The annex is being issued without formal editing.

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Annex to the note verbale dated 27 March 2018 from the Permanent Mission of the Russian Federation to the United Nations Office and Other International Organizations at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Statement of the delegation of the Russian Federation following the adoption of the resolutions of the thirty-seventh session of the Human Rights Council (Geneva, 23 March 2018)

1. The Russian Federation notes with regret that the attempt to combine the relevant Council resolutions on terrorism and human rights did not achieve the desired outcome. There has been a considerable shift of emphasis in the final text of the draft of the resolution under the symbol A/HRC/37/L.50/Rev.1 and a failure to take into account the main consensus positions of previous counter-terrorism resolutions of the Security Council, the General Assembly and the Human Rights Council itself. In particular, the document does not include a clear call for stepping up international cooperation on counter-terrorism on the basis of international law and the Charter of the United Nations, nor does it refer to the central role and responsibility of States for combatting terrorism and extremism or the need to address internal and external factors that lead to terrorism and to ensure that terrorists are held accountable under the principle of extradite or prosecute. Without these key standards of international counter-terrorism, the resolution actually seems to be built around the contentious concept of "countering violent extremism," which makes it possible to justify terrorists and extremists as "self-styled fighters against undesirable regimes" and interference in a State's internal affairs under the pretext of international assistance in combatting terrorism and extremism. In our view, such double standards in relation to terrorists and attempts to exempt them from criminal prosecution are unacceptable. For this reason, the Russian Federation cannot join the sponsors of this resolution or support its future implementation. However, the Russian Federation will continue, as always, to combat terrorism in accordance with international law and with respect for human rights.

2. The Russian Federation has consistently advocated the prosecution of individuals who have committed the most serious international crimes, including genocide, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. Our country participated in the drafting of the Rome Statute of the International Criminal Court, voted for its adoption and signed it on 13 September 2000. In so doing, we expected that the Court would become a powerful instrument in combating impunity in the context of broader efforts to foster international peace and security, resolve ongoing conflicts and prevent the emergence of new hotbeds of tension. Unfortunately, the Court was unable to prove itself to be an independent and credible body within the international justice system. The ineffective, biased and politically motivated work of the Court in its investigation of cases has been regularly noted in various forums, including the General Assembly and Security Council. In over 10 years of operation, the number of decisions taken by the Court is quite low, even as the cost of its activities have long since exceeded $1 billion. For this reason, on 16 November 2016, the President of the Russian Federation signed an order to notify the Secretary-General of the United Nations of the intention of the Russian Federation not to become a party to the Rome Statute of the International Criminal Court. Such notification was received by the depositary on 30 November 2016. The Russian Federation therefore cannot associate itself with the expression of appreciation of the work of the Court provided in the eleventh preambular paragraph of the Council resolution on the prevention of genocide under the symbol A/HRC/37/L.44. Moreover, regarding the reference in the text of the resolution to the joint office of the Special Adviser to the Secretary-General on the Prevention of Genocide and the Special Adviser to the Secretary-General on the Responsibility to Protect, we note the following. The concept of the "responsibility to protect" is relatively new and not yet fully developed in international practice. In that regard, an arbitrary and broad definition should be avoided, as should any expression of appreciation for the work of international bodies aimed at strengthening the responsibility to protect. For this reason, we consider it inappropriate to refer to the

activities of the office of the Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect and the legal framework developed by it to combat those crimes, as they have not yet proved their effectiveness in practice. The Russian Federation considers the State to bear the primary responsibility for protecting its population from genocide, war crimes, ethnic cleansing and crimes against humanity. The role of the international community might be to provide expert, humanitarian and diplomatic assistance in the fulfilment of these responsibilities by the State. The decision to impose coercive measures on a State can only be taken by the Security Council, acting in accordance with Chapter VII of the Charter. Any unilateral action in violation of the Charter principles of sovereignty and non-interference in the internal affairs of States serves only to undermine international stability and play havoc with international relations.

3. In the view of the Russian Federation, the term "human rights defender", used in the drafts of the resolutions on human rights and the environment (A/HRC/37/L.19) and on cultural rights and the protection of cultural heritage (A/HRC/37/L.30) adopted by the Council, is applicable only in relation to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms adopted by the General Assembly.

4. The Russian Federation cannot support the drafts of the Council resolutions on the negative impact of corruption on the right to be free from torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/37/L.32) and on the contribution to the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights (A/HRC/37/L.41) adopted during this session. In our view, the issue of combatting corruption and the spread of narcotic drugs and psychotropic substances does not fall within the mandate of the Council under General Assembly resolution 60/251 of 15 March 2006.